

JUN 09 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

ALFONSO PATRICIO MENA,

Petitioner,

v.

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent.

No. 02-71440

INS No. A70-781-735

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 6, 2003**
Pasadena, California

Before: TROTT and TALLMAN, Circuit Judges, and COLLINS, *** District Judge.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*** Honorable Raner C. Collins, United States District Judge for the District of Arizona, sitting by designation.

Petitioner Alfonso Mena was served with an Order to Show Cause why he should not be deported on March 8, 1996. Mena first entered the United States in November 1989. Because seven years did not elapse from the time Mena entered the country to the time he was served with the Order to Show Cause, Mena is ineligible for suspension of deportation. Ram v. INS, 243 F.3d 510 (9th Cir. 2001); see also 8 U.S.C. § 1229b(d)(1); Illegal Immigration Reform and Immigrant Responsibility Act § 309(c)(5)(A).

Given that the Immigration Judge correctly determined that Mena was ineligible for suspension of deportation, there was no need for the Immigration Judge to go any further in developing a record. Mena's due process rights were not violated.

Mena's petition for review is therefore **DENIED**.